

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 21, 1982

ALL-COUNTY INFORMATION NOTICE I-162-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: REVISED CA 2.1 (10/82) CHILD SUPPORT NOTICE AND AGREEMENT

REFERENCE:

Attached is a copy of the revised Form CA 2.1, Child Support Notice and Agreement. The CA 2.1 was revised to include language as specified in the Alma v. Woods court decision, and to provide language consistent with the Form CA 51, Child Support - Good Cause Claim for Noncooperation. Revisions made to the Child Support Notice and Agreement are:

Front Side

1. Agreement section - Revised language after the word "program" in the first sentence.

Back Side

2. Your Right to Claim Good Cause - Separated reason for physical harm from emotional harm for child and parent.
3. District Attorney's Participation - Added last paragraph.

Counties can continue to use the current Child Support Notice and Agreement (2/79) until stock is depleted. This advance reproducible copy is being provided for those counties wishing to print their own supply. Regular supplies of the revised Child Support Notice and Agreement (10/82) may be ordered after January 14, 1983 by completing and sending the GEN 727B form to the DSS Warehouse, P. O. Box 22429, Sacramento, CA 95822-3799.

If you have questions about these changes or use of the revised CA 2.1, please contact your AFDC Program Consultant at (916) 445-4458.

Sincerely,

Kyle S. McKinsey
KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA
GEN 654a (9/79)

Child Support Notice and Agreement

Assignment and Cooperation Requirements

You must assign to the county any rights you may have to child support or alimony while you are on aid. When you assign support rights, the county will receive all support payments that would have been paid to you if you were not on aid. The receipt of an AFDC check will automatically assign the past and present support rights of all persons for whom you are requesting aid.

You must cooperate with the county welfare department and the District Attorney in:

- Identifying and locating any absent parent in your case;
- Establishing the paternity of any child in your case whose parents are not married to each other; and
- Obtaining support payments from any absent parent in your case.

When requested to do so you must:

- Complete the Child Support Questionnaire (Form CA 2.1).
- Agree to cooperate in the child support enforcement process or to claim Good Cause for refusing to cooperate.
- Appear at the county welfare department or District Attorney's Office to sign papers or provide necessary information.
- Turn over to the county any money given directly to you by the absent parent(s).

Benefits of Child Support Enforcement

Your cooperation may be of value to you and your child(ren) because finding the absent parent and establishing paternity may give your child(ren) rights to future social security, veterans, or other benefits. At your request, the District Attorney will continue to help collect child support after you go off aid.

Your Right to Claim Good Cause

Good Cause means having an acceptable reason for refusing to cooperate in the child support enforcement process.

If you feel that cooperating would not be in the best interests of your child(ren) you may refuse to cooperate and claim Good Cause. The back of this form explains your right to claim Good Cause in more detail. If you think you might have Good Cause, ask your eligibility worker to explain it to you before signing below.

Penalty Provision

If you refuse to assign support rights, or if you refuse to cooperate in the child support enforcement process without Good Cause:

- You personally will be ineligible for AFDC but your child(ren) may still be eligible. Their grant will go to another person called a protective payee who will pay the child(ren)'s living expenses.
- Your case will be referred to the District Attorney anyway.

Agreement

I understand my rights and responsibilities regarding the child support program, including the requirement that I make an assignment of support rights and my right to claim Good Cause not to cooperate with the Child Support Program.

- ☐ I agree to cooperate with the county welfare department and the District Attorney as specified above.
- ☐ I will claim Good Cause for refusing to cooperate in the child support enforcement process.
- ☐ I refuse to assign support rights.

Signature of Applicant or Recipient

Date

I certify that I have notified the applicant or recipient of his or her rights and responsibilities regarding the child support program by means of this notice and verbally as needed.

Eligibility Worker's Signature

Eligibility Worker Number

Date

Your Right to Claim Good Cause

The only reasons for claiming Good Cause are:

- Cooperation is expected to result in serious physical harm to the child(ren);
- Cooperation is expected to result in serious emotional harm to the child(ren);
- Cooperation is expected to result in physical harm to you which is so serious that it reduces your ability to care for the child(ren) adequately;
- Cooperation is expected to result in emotional harm to you which is so serious that it reduces your ability to care for the child(ren) adequately;
- The child(ren) were conceived due to incest or forcible rape;
- Court proceedings are going on for the adoption of the child(ren); or
- You are working with a social agency to help you decide whether to place the child(ren) for adoption and the counseling sessions have not gone on for more than three months.

How to Claim Good Cause

If you want to claim Good Cause, you must tell your eligibility worker. You can do this whenever you believe you have Good Cause not to cooperate. You must also complete and sign the Good Cause claim form which your eligibility worker will give to you.

If you claim Good Cause you must:

- Give the county welfare department evidence needed to determine if you have Good Cause for refusing to cooperate. (If your reason for claiming Good Cause is your fear of physical harm and it is impossible to obtain evidence, the county welfare department may still be able to make a Good Cause determination after investigating your claim.)
- Give the necessary evidence within 20 days of claiming Good Cause. The county welfare department will only give you more time when it decides that more than 20 days are required to get the evidence.

What is Acceptable Evidence?

The following are examples of acceptable evidence the county welfare department can use to determine if Good Cause exists. If you need help in getting a copy of any of the documents your eligibility worker will help you.

- Birth certificates, or medical or law enforcement records which indicate that the child was conceived due to forcible rape or incest;
- Court documents or other records which indicate that legal proceedings for adoption are pending in court;
- Records which indicate that the absent parent or alleged father might inflict physical or emotional harm on you or the child;
- Medical records which indicate your or your child(ren)'s emotional health history and present health status; or written statements from mental health professionals giving a diagnosis or prognosis on your or your child(ren)'s emotional health;
- A written statement from a social agency confirming that you are being helped to decide whether to place the child for adoption; and
- Sworn statements from people who know the circumstances of your Good Cause claim. These people could be friends, neighbors, clergymen, social workers and others.

The County Welfare Department Decides Your Claim

The county welfare department will:

- Decide your claim based on the evidence you give, or
- Conduct an investigation to verify and decide your claim. (You may be required to give information such as the absent parent or alleged father's name and address. The county welfare department will not contact the absent parent or alleged father without first telling you.)

District Attorney's Participation

The District Attorney may review the county welfare department's findings and the basis for a Good Cause determination in your case. If you request a hearing on the issue of Good Cause, the District Attorney may participate in that hearing.

If the county welfare department decides you have Good Cause for not cooperating, the District Attorney may try to establish paternity or collect support only if the county welfare department decides that this can be done without risk to you or your child(ren). This will not be done without first telling you.

The District Attorney will not pursue child support enforcement activities until the final determination regarding your Good Cause claim has been made by the county welfare department.